

## REMARKS/ARGUMENTS

In the Office action mailed August 20, 2009, claims 1, 3, 4, and 8 – 11 were rejected and claim 12 was objected to. In response, Applicant has amended claim 1 and canceled claim 12. Applicant hereby requests reconsideration of the application in view of the amended claim and the below provided remarks.

### Allowable Subject Matter

Applicant appreciates the Examiner's review of the claims and determination that claim 12 recites allowable subject matter. In particular, the Office action states that claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicant has amended claim 1 to incorporate all of the limitations of claim 12. Claim 12 has been canceled. Accordingly, Applicant asserts that claim 12 is in allowable condition.

Additionally, while the Office action provides a statement of reasons for the indication of allowable subject matter, the statement is directed to specific aspects of certain claims and not necessarily all of the claims. Applicant notes that the comments may have paraphrased the language of the claims and it should be understood that the language of the claims themselves set out the scope of the claims. Thus, it is noted that the claim language should be viewed in light of the exact language of the claim rather than any paraphrasing or implied limitations thereof.

### Claim Rejections

Claims 1, 3, 4, and 8 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedic (U.S. Pat. No. 5,384,570) in view of Applicant's Admitted Prior Art (AAPA), Fig. 2. Applicant asserts that the rejection under 35 U.S.C. 103(a) is rendered moot in view of the above-identified amendment.

## CONCLUSION

Generally, in this Amendment and Response, Applicants have not raised all possible grounds for (a) traversing the rejections of the Action or (b) patentably distinguishing any new claims (i.e., over the Cited References or otherwise). Applicants however, reserve the right to explicate and expand on any ground already raised and/or to raise other grounds for traversing and/or for distinguishing, including, without limitation, by explaining and/or distinguishing the subject matter of the Application and/or any cited reference at a later time (e.g., in the event that this Application does not proceed to issue with the claims as herein amended, or in the context of a continuing application). Applicants submit that nothing herein is, or should be deemed to be, a disclaimer of any rights, acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein, or otherwise in the prosecution of this Application, whether as to the original claims or as to any of the new claims, or otherwise. Without limiting the generality of the foregoing, Applicants reserve the right to reintroduce one or more of the original claims in original form or otherwise so as to claim the subject matter of those claims, both/either at a later time in prosecuting this Application or in the context of a continuing application.

Applicant respectfully requests reconsideration of the claims in view of the amendments remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-4019** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-4019** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

/mark a. wilson/

Date: November 16, 2009

Mark A. Wilson  
Reg. No. 43,994

Wilson & Ham  
PMB: 348  
2530 Berryessa Road  
San Jose, CA 95132  
Phone: (925) 249-1300  
Fax: (925) 249-0111